

AMENDMENT No. 1

MEMORANDUM OF AGREEMENT FOR THE SELECTION AND FUNDING OF PROJECTS FUNDED BY CMAQ WITHIN THE FAIRBANKS NON-ATTAINMENT AREA FOR PM 2.5

*Among the Alaska Department of Transportation and Public Facilities (ADOT&PF),
Fairbanks Area Surface Transportation Planning (FAST Planning), the Fairbanks
North Star Borough (FNSB) and the Alaska Department of Environmental
Conservation (ADEC)*

I. PURPOSE

This Amendment No. 1 supersedes and replaces the October 2010 Final Memorandum of Agreement (MOA) for the Section and Funding of Projects Funded by CMAQ Within the Fairbanks Nonattainment Area for PM 2.5. It is a written agreement among the Fairbanks Area Surface Transportation Planning (FAST Planning) which is the Fairbanks Metropolitan Planning Organization (MPO), Alaska Department of Transportation & Public Facilities (ADOT&PF), Alaska Department of Environmental Conservation (ADEC), and Fairbanks North Star Borough (FNSB) describing their respective roles and responsibilities including project selection and Congestion Mitigation and Air Quality (CMAQ) fund management necessary for air quality related transportation planning within the PM2.5 nonattainment area in accordance with 23 CFR 450.314(c) and 23 CFR 450.314(d). This MOA applies to the CMAQ funding allocations included in the State Transportation Improvement Program (STIP) for committed and contingency measures in the Fairbanks PM2.5 nonattainment area State Implementation Plan (SIP) and other Fairbanks air quality project needs. This MOA does not apply to the CMAQ funding allocation for the Fairbanks MPO, which is used for other qualifying projects in the MPO's Transportation Improvement Program (TIP).

II. BACKGROUND

- A. The U.S. Environmental Protection Agency has designated the following townships and ranges of the Fairbanks North Star Borough as a non-attainment area for PM 2.5: - MTRS F001N001 – All sections; -MTRS F001N001E – Sections 2 – 11, 14 – 23, 26 – 34; - MTRS F001N002 – Sections 1 – 5, 8 – 17, 20 – 29, 32 – 36; -MTRS F001S001E – Sections 1, 3 – 30, 32 – 36; -MTRS F001S001W – Sections 1 – 30; -MTRS F001S002E – Sections 6 – 8, 17 – 20, 29 – 36; -MTRS F001S002W – Sections 1 – 5, 8 – 17, 20 – 29, 32 - 33; -MTRS F001S003E-Sections 31 - 32; -MTRS F002N001E- Sections 31 – 35; -MTRS F002N001- Sections 28, 31 – 36; -MTRS F002N002-Sections 32 - 33, 36; -MTRS F002S001E - Sections 1 - 2; -MTRS F002S002E - Sections 1 - 17, 21 – 24; -MTRS F002S003E - Sections 5 - 8, 18. A map of the PM2.5 nonattainment area is attached as Appendix A.
- B. This PM 2.5 non-attainment designation became effective on December 14, 2009.
- C. The above non-attainment area is larger than the Fairbanks Metropolitan Planning Area illustrated in Appendix A as the MPO boundary.
- D. 23 CFR 450.314(c) states that if the metropolitan planning area does not include the entire nonattainment or maintenance area, there shall be an agreement among the state department of transportation, state air quality agency, affected local agencies and the metropolitan planning organizations describing the process for cooperative planning and analysis of all projects outside the metropolitan planning area but within the nonattainment or maintenance area.
- E. Further, 23 CFR 450.314(d) states that in nonattainment or maintenance areas, if the MPO is not the designated agency for air quality planning under section 174 of the Clean Air Act (42 USC 7504), there shall be a written agreement between the MPO and the designated air quality planning agency describing their respective roles and responsibilities for air quality related transportation planning.

III. AGENCY ROLES & RESPONSIBILITIES

A. Fairbanks MPO

1. The Fairbanks MPO will work with affected local agencies, including ADOT&PF, ADEC, FNSB, City of Fairbanks, and City of North Pole, and the public in developing and submitting project nominations for CMAQ funding to the MPO's Technical Committee and Policy Board, which will collectively serve as the CMAQ Project Evaluation Board.
2. The Fairbanks MPO will be responsible for the call for project nominations (subject to available funding), distribution of program and project information, calendaring project evaluations with the Technical Committee and Policy Board, and public notification and meeting advertisements in accordance with the MPO's Public Participation Plan and Title VI of the Civil Rights Act.
3. The Fairbanks MPO will include all projects approved for CMAQ funding in the informational section of the TIP.

B. ADEC

1. ADEC and the FNSB have joint responsibility for air pollution control in the FNSB.
2. ADEC, in coordination with the FNSB, is responsible for development of the Fairbanks PM2.5 nonattainment area SIP, and will provide an up-to-date list of committed and contingency measures for transportation projects included in the SIP to all parties under this agreement on an as-needed basis.
3. ADEC will provide the transportation-related emission budgets to all parties under this agreement for purposes of determining regional and project-level conformity with the SIP that apply to the entire non-attainment area regardless of whether the projects are located inside or outside the Fairbanks Metropolitan Planning Area.
4. ADEC will participate in evaluation of project nominations by having members serve on the MPO's Technical Committee and Policy Board.

C. ADOT&PF

1. ADOT&PF, in coordination with the Federal Highway Administration, will evaluate all project nominations for CMAQ funding eligibility prior to evaluation by the MPO's Technical Committee and Policy Board.
2. ADOT&PF will make available CMAQ funding for eligible projects under this agreement, subject to availability of funding allocations for committed and contingency measures in the SIP and other Fairbanks air quality project needs included in the STIP. Match for CMAQ-funded projects will be paid in accordance with ADOT&PF's current match policy.
3. ADOT&PF will be responsible for the administration and oversight of implementation of the projects selected and approved for funding.

4. ADOT&PF will participate in evaluation of eligible project nominations by having members serve on the MPO's Technical Committee and Policy Board.
- D. FNSB
1. FNSB and the ADEC have joint responsibility for air pollution control in the FNSB.
 2. FNSB is the lead air quality agency for air quality planning for the Fairbanks area. FNSB will coordinate with ADEC on development of the SIP and provide input on the list of committed and contingency measures to be included in the SIP.
 3. FNSB will participate in the evaluation of project nominations by having members serve on the MPO's Technical Committee and Policy Board.

IV. CMAQ PROJECT EVALUATION BOARD

A. Board membership

1. The Fairbanks MPO's Technical Committee and Policy Board will collectively serve as the CMAQ Project Evaluation Board (hereinafter "Board"). The Technical Committee consists of representatives, such as engineers, planners, and other specialists from the City of Fairbanks, City of North Pole, FNSB, ADOT&PF, ADEC Air Quality, Fort Wainwright, University of Alaska Fairbanks, Alaska Railroad Corporation, Fairbanks International Airport, transit, local freight industry, and local Tribal entities. The Policy Board consists of elected/appointed officials and has as members, a designated representative of the ADOT&PF Northern Region, FNSB Mayor, City of Fairbanks Mayor, City of North Pole Mayor, a designated representative of ADEC Air Quality Division, a designated representative of the FNSB Assembly, and a designated representative of the Fairbanks City Council. The Technical Committee is an advisory body to the Policy Board, which is the decision-making body. All members of the Board are voting members regardless of their role in the CMAQ project funding process, project nomination or submission.

B. Project Evaluation Criteria

1. The Board will develop criteria to use in evaluating projects submitted to the Board.
2. The developed criteria will take into account eligible uses of CMAQ funding and consider the projects efficacy in addressing PM2.5 attainment.
3. Evaluation criteria and project nomination forms will be provided to local agencies, organizations, and the public for use in developing CMAQ project proposals for submittal to the Board.

C. Call for Project Nominations & Project Submission

1. The Fairbanks MPO will annually review the status of projects previously approved for funding and issue a call for project nominations when it is determined new nominations are needed in accordance with funding availability, timelines of committed measures in the SIP, and need for progress towards attainment of air quality standards.
2. Any member of the Board, local agency or organization, or the public may submit a project for evaluation.
3. Board Members will notify their respective agencies of the time window for the Call for Nominations.

D. Project Evaluation

1. The Board will use the same process for evaluating projects within the Fairbanks PM2.5 non-attainment area regardless of whether the projects are located inside or outside the Fairbanks Metropolitan Planning Area.
2. Any project submitted that is listed in the SIP as a committed or contingency measure does not need to be scored and shall be given priority over all other projects. SIP projects that are committed measures shall be given priority over projects that are contingency measures. All SIP projects shall be funded before consideration of funding non-SIP projects.
3. The Board will use the developed evaluation criteria to score the remainder of projects not included in the SIP and rank against other non-SIP projects.
4. Projects evaluated will be ranked by their total score with special considerations for cost, schedule, and benefits of the projects.
5. Based upon the list of projects included in the SIP and ranking of non-SIP projects, the Board will submit a recommended list of projects to ADOT&PF for inclusion in the STIP subject to CMAQ funding availability.
6. In compiling the proposed list for inclusion in the STIP, if the next ranked project is too costly to be included due to fiscal constraint, the next project below it may be included instead.
7. In the event of a significant scope change to a SIP or non-SIP project, the project will be brought back to the Board for review and approval of the change. A significant scope change is defined as a change that makes the project no longer consistent with the measures listed in the SIP and/or alters the original project intent or purpose and need.
8. The Board will meet as necessary to reevaluate the project evaluation criteria, project ranking, significant scope changes and list of projects recommended for inclusion in the STIP.

E. Conflict Resolution Process

1. Conflicts regarding transportation-related emissions that may arise between the portions of the PM2.5 non-attainment area inside and outside the Metropolitan Planning Area, and the inclusion or absence of a project evaluated and ranked by the Board, will be resolved according to the following process:

- a) The conflict resolution process is initiated in writing, via email, from any signatory who has a conflict or grievance to all other signatories in the MOA who are affected by the conflict or grievance.
- b) Within fifteen (15) working days after receipt of such notice, each affected party, along with its director or designee, will meet and determine reasonable measures to resolve the conflict.
- c) If the conflict has not been resolved at the expiration of sixty (60) days after receipt of the initial notice, the conflict shall be referred to the Office of the Governor for final resolution.

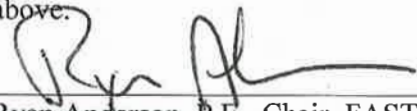
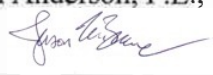
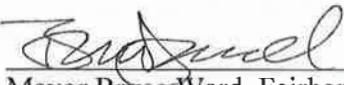
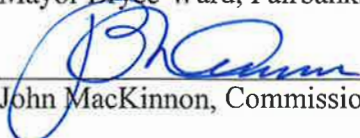
V. AGREEMENT TERMS

A. This agreement shall be effective upon signature of all parties and binding until amended or revoked. The anticipated duration of the agreement is tied to the PM 2.5 non-attainment designation and is required until the area has achieved attainment status and maintained such status for a period of at least twenty years. The undersigned agencies may revise or replace this MOA via unanimous written agreement. The agreement may be terminated by a signing agency upon 90 days' written notice to all the signatory parties.

B. An interagency consultation process shall be used for revision of the MOA as necessary.

VI. SIGNATORIES

The undersigned hereby agree to comply with the provisions and terms of this MOA as described above.

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|  _____ Ryan Anderson, P.E., Chair, FAST Planning | <u>8/21/2019</u> Date |
|  _____ Jason Brune, Commissioner, ADEC | <u>8/27/19</u> Date |
|  _____ Mayor Bryce Ward, Fairbanks North Star Borough | <u>8-19-19</u> Date |
|  _____ John MacKinnon, Commissioner, ADOT&PF | <u>8.23.19</u> Date |